



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
OCTOBER 2, 2012**

The following cases are placed upon the calendar of the California Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California.

**TUESDAY, OCTOBER 2, 2012—9:00 A.M.**

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| (1) | S194501 | DiCampli-Mintz (Hope) v. County of Santa Clara et al.                                     |
| (2) | S180890 | Jankey (Les) et al. v. Lee (Song Koo) etc.  |
| (3) | S197694 | Estate of Giralдин (William A.); Giralдин (Christine) et al. v. Giralдин (Timothy) et al. |

**1:30 P.M.**

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|-----|---------|--|
| (4) | S187680 | People v. Rodriguez, Jr. (Joe)         |
| (5) | S191341 | People v. Sanders (Maurice D.)         |
| (6) | S197283 | In re Cabrera (Elvin) on Habeas Corpus |

**CANTIL-SAKAUYE**

*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA  
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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, OCTOBER 2, 2012—9:00 A.M.**

**(1) *DiCampli-Mintz (Hope) v. County of Santa Clara et al.*, S194501**

#11-96 DiCampli-Mintz (Hope) v. County of Santa Clara et al., S194501. (H034160; 195 Cal.App.4th 1327; Superior Court of Santa Clara County; CV089159.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Did plaintiff substantially comply with the statutory requirement that her claim against the county for medical negligence be presented “to the clerk, secretary or auditor thereof” or mailed to “the governing body” (Gov. Code, § 915, subd. (a)) by delivering the claim to the risk management department of the county hospital where the injury allegedly occurred?

**(2) *Jankey (Les) et al. v. Lee (Song Koo) etc.*, S180890**

#10-57 Jankey (Les) et al. v. Lee (Song Koo) etc., S180890. (A123006; 181 Cal.App.4th 1173; Superior Court of San Francisco County; 463040.) Petition for review after the Court of Appeal affirmed an award of attorney fees in a civil action. This case presents the following issue: Is an award of fees to a prevailing defendant under the California Disabled Persons Act (Civ. Code, § 54 et seq.) inconsistent with, and therefore preempted by, the federal Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)?

**(3) *Estate of Giralдин (William A.); Giralдин (Christine) et al. v. Giralдин (Timothy) et al.*, S197694**

#11-143 Estate of Giralдин (William A.); Giralдин (Christine) et al. v. Giralдин (Timothy) et al., S197694. (G041811; 199 Cal.App.4th 577; Superior Court of Orange County; A240697.) Petition for review after the Court of Appeal reversed orders in a probate proceeding. The court limited review to the following issue: When the settlor of a revocable inter vivos trust appoints, during his lifetime, someone other than himself to act as trustee, once the settlor dies and the trust becomes irrevocable, do the remainder beneficiaries have standing to sue the trustee for breaches of fiduciary duty committed during the period of revocability?

**1:30 P.M.**

**(4) *People v. Rodriguez, Jr. (Joe)*, S187680**

#11-01 People v. Rodriguez, Jr. (Joe) S187680. (C060227; 188 Cal.App.4th 722; Superior Court of Yuba County; CRF07288.) Petition for review after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. This case presents the following issue: May an active participant in a criminal street gang be found guilty of violating Penal Code section 186.22, subdivision (a), when, acting entirely alone, he commits a felony, and there is no other evidence indicating the crime had anything to do with the gang?

**(5) *People v. Sanders (Maurice D.)*, S191341**

#11-48 People v. Sanders (Maurice D.), S191341. (F059287; nonpublished opinion; Superior Court of Kern County; BF126309A.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Is possession of a firearm after conviction of a specified violent offense (Pen. Code, § 12021.1, subd. (a)) a necessarily included offense of possession of a firearm after conviction of a felony (Pen. Code, § 12021, subd. (a)(1))? (2) Was defendant properly sentenced to concurrent terms

for his simultaneous possession of two firearms in violation of Penal Code section 12021, subdivision (a)(1)?

**(6) *In re Cabrera (Elvin) on Habeas Corpus, S197283***

#11-138 *In re Cabrera (Elvin) on Habeas Corpus, S197283.* (F059511; 198 Cal.App.4th 1548; Superior Court of Kern County; HC011446A.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case presents the following issue: Did the Court of Appeal improperly interpret title 15, section 3378, subdivisions (c)(3) and (c)(4), of the California Code of Regulations to require evidence of a “mutual relationship” between the inmate and a validated gang member or associate in order to validate the inmate’s own gang status?

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